



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1847

Introduced 2/23/2007, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-23.5
30 ILCS 805/8.31 new

from Ch. 122, par. 10-23.5

Amends the School Code. Provides that if a new school district is formed through the consolidation of pre-existing school districts or a school district is annexed to another school district, then the educational support personnel of the pre-existing school districts or of the annexed school district must be transferred to and shall become employees of the new or annexing district, as the case may be, and these employees must be credited with the length of their continuous service that they held prior to their transfer. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 08702 NHT 31613 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 10-23.5 as follows:

6 (105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

7 Sec. 10-23.5. Educational support personnel employees. To
8 employ such educational support personnel employees as it deems
9 advisable and to define their employment duties; provided that
10 residency within any school district shall not be considered in
11 determining the employment or the compensation of any such
12 employee, or whether to retain, promote, assign or transfer
13 such employee. If an educational support personnel employee is
14 removed or dismissed as a result of a decision of the school
15 board (i) to decrease the number of educational support
16 personnel employees employed by the board or (ii) to
17 discontinue some particular type of educational support
18 service, written notice shall be mailed to the employee and
19 also given the employee either by certified mail, return
20 receipt requested, or personal delivery with receipt at least
21 30 days before the employee is removed or dismissed, together
22 with a statement of honorable dismissal and the reason
23 therefor. The employee with the shorter length of continuing

1 service with the district, within the respective category of
2 position, shall be dismissed first unless an alternative method
3 of determining the sequence of dismissal is established in a
4 collective bargaining agreement or contract between the board
5 and any exclusive bargaining agent and except that this
6 provision shall not impair the operation of any affirmative
7 action program in the district, regardless of whether it exists
8 by operation of law or is conducted on a voluntary basis by the
9 board. If the board has any vacancies for the following school
10 term or within one calendar year from the beginning of the
11 following school term, the positions thereby becoming
12 available within a specific category of position shall be
13 tendered to the employees so removed or dismissed from that
14 category of position, so far as they are qualified to hold such
15 positions. Each board shall, in consultation with any exclusive
16 employee representative or bargaining agent, each year
17 establish a list, categorized by positions, showing the length
18 of continuing service of each full time educational support
19 personnel employee who is qualified to hold any such positions,
20 unless an alternative method of determining a sequence of
21 dismissal is established as provided for in this Section, in
22 which case a list shall be made in accordance with the
23 alternative method. Copies of the list shall be distributed to
24 the exclusive employee representative or bargaining agent on or
25 before February 1 of each year. Where an educational support
26 personnel employee is dismissed by the board as a result of a

1 decrease in the number of employees or the discontinuance of
2 the employee's job, the employee shall be paid all earned
3 compensation on or before the third business day following his
4 or her last day of employment.

5 If a new school district is formed through the
6 consolidation of pre-existing school districts or a school
7 district is annexed to another school district, then the
8 educational support personnel of the pre-existing school
9 districts or of the annexed school district must be transferred
10 to and shall become employees of the new or annexing district,
11 as the case may be, and these employees must be credited with
12 the length of their continuous service that they held prior to
13 their transfer.

14 The provisions of this amendatory Act of 1986 relating to
15 residency within any school district shall not apply to cities
16 having a population exceeding 500,000 inhabitants.

17 (Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.31 as follows:

20 (30 ILCS 805/8.31 new)

21 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the
23 implementation of any mandate created by this amendatory Act of
24 the 95th General Assembly.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.